

Conference Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Special Session
2001

CHAPTER 9

HOUSE BILL 2010

AN ACT

AMENDING TITLE 15, CHAPTER 7, ARTICLE 3.1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 15-756 AND 15-756.01; AMENDING SECTIONS 15-901 AND 15-943, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 9, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-943.04; AMENDING SECTION 15-1626, ARIZONA REVISED STATUTES; MAKING APPROPRIATIONS; RELATING TO LANGUAGE ACQUISITION PROGRAMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 7, article 3.1, Arizona Revised Statutes,
3 is amended by adding sections 15-756 and 15-756.01, to read:

4 15-756. Programs for English learners; requirements; federal
5 funding

6 A. THE STATE BOARD OF EDUCATION SHALL PRESCRIBE THE MANNER IN WHICH:

7 1. THE PRIMARY OR HOME LANGUAGE FOR ALL NEW PUPILS WHO ENROLL IN A
8 SCHOOL DISTRICT OR CHARTER SCHOOL SHALL BE IDENTIFIED.

9 2. THE ENGLISH LANGUAGE PROFICIENCY OF ALL PUPILS WITH A PRIMARY OR
10 HOME LANGUAGE OTHER THAN ENGLISH SHALL BE ASSESSED THROUGH THE ADMINISTRATION
11 OF ENGLISH LANGUAGE PROFICIENCY EXAMS.

12 3. THE PROCESS OF REASSESSMENT OF ENGLISH LEARNERS FOR THE PURPOSE OF
13 DETERMINING ENGLISH LANGUAGE PROFICIENCY SHALL BE CONDUCTED.

14 4. THE EVALUATION OF FORMER ENGLISH LEARNERS SHALL BE CONDUCTED.

15 5. TRAINING MAY BE ALLOWED THAT IS NOT PROVIDED BY A COLLEGE OR
16 UNIVERSITY TO SUBSTITUTE FOR ANY OF THE COURSES REQUIRED FOR A STRUCTURED
17 ENGLISH IMMERSION ENDORSEMENT OR A BILINGUAL EDUCATION ENDORSEMENT IF ALL OF
18 THE FOLLOWING CONDITIONS APPLY:

19 (a) THE STATE BOARD OF EDUCATION HAS REVIEWED THE CURRICULUM,
20 TEXTBOOKS, GRADING PROCEDURES AND ATTENDANCE POLICIES AND DETERMINED THAT THE
21 TRAINING IS COMPARABLE IN AMOUNT, SCOPE AND QUALITY TO A COURSE OFFERED BY
22 A COLLEGE OR UNIVERSITY FOR A STRUCTURED ENGLISH IMMERSION OR BILINGUAL
23 EDUCATION ENDORSEMENT.

24 (b) THE TRAINING MEETS THE PROFESSIONAL TEACHING STANDARDS ADOPTED BY
25 THE STATE BOARD OF EDUCATION.

26 (c) THE STATE BOARD OF EDUCATION HAS REVIEWED THE QUALIFICATIONS OF
27 THE INSTRUCTOR AND DETERMINED THAT THE INSTRUCTOR HAS SUFFICIENT EXPERIENCE
28 TO EFFECTIVELY CONDUCT THE TRAINING.

29 B. THE DEPARTMENT OF EDUCATION SHALL DEVELOP GUIDELINES FOR THE
30 MONITORING OF SCHOOL DISTRICTS AND CHARTER SCHOOLS FOR THE PURPOSES OF
31 ENSURING COMPLIANCE WITH ALL FEDERAL AND STATE LAWS REGARDING ENGLISH
32 LEARNERS, INCLUDING REQUIRING EACH SCHOOL DISTRICT AND CHARTER SCHOOL TO
33 ANNUALLY SUBMIT A REPORT TO THE DEPARTMENT OF EDUCATION THAT INCLUDES THE
34 FOLLOWING INFORMATION IDENTIFIED BY GRADE LEVEL AND BY SCHOOL:

35 1. THE NUMBER OF PUPILS WHO ARE CLASSIFIED AS ENGLISH LEARNERS FOR THE
36 FIRST TIME.

37 2. THE NUMBER OF ENGLISH LEARNERS WHO ACHIEVED ENGLISH PROFICIENCY IN
38 THE PAST ACADEMIC YEAR AND WHO EXITED THE ENGLISH LEARNER PROGRAM.

39 3. THE TOTAL NUMBER OF PUPILS CLASSIFIED AS ENGLISH LEARNERS.

40 4. THE NUMBER OF PUPILS WHO ARE ENROLLED IN EACH TYPE OF LANGUAGE
41 ACQUISITION PROGRAM OFFERED BY THE SCHOOL DISTRICT OR CHARTER SCHOOL.

42 5. IF REQUESTED BY THE DEPARTMENT OF EDUCATION, THE TEST DATA USED TO
43 DETERMINE ENGLISH PROFICIENCY.

44 C. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ATTEMPT TO OBTAIN
45 THE MAXIMUM AMOUNT OF FEDERAL FUNDING THAT IS AVAILABLE FOR BILINGUAL

1 EDUCATION PROGRAMS AND STRUCTURED ENGLISH IMMERSION PROGRAMS AND ANY OTHER
2 FUNDING FROM FEDERAL PROGRAMS THAT APPLY TO THE EDUCATIONAL NEEDS OF ENGLISH
3 LEARNERS.

4 D. THE DEPARTMENT OF EDUCATION SHALL SUBMIT AN ANNUAL REPORT TO THE
5 GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
6 REPRESENTATIVES THAT INCLUDES AN ITEMIZED LIST OF ALL FEDERAL MONIES RECEIVED
7 BY THE DEPARTMENT FOR LANGUAGE ACQUISITION PROGRAMS AND THE PURPOSES FOR
8 WHICH THESE FEDERAL MONIES ARE DESIGNATED. THE DEPARTMENT SHALL SUBMIT A
9 COPY OF THIS REPORT TO THE SECRETARY OF STATE AND THE DIRECTOR OF THE ARIZONA
10 STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.

11 E. NOTHING IN SUBSECTION A, PARAGRAPH 5 OF THIS SECTION SHALL BE
12 CONSTRUED TO PROHIBIT A SCHOOL DISTRICT OR CHARTER SCHOOL FROM DEVELOPING OR
13 PARTICIPATING IN A TRAINING PROGRAM THAT DOES NOT MEET THE CONDITIONS
14 PRESCRIBED IN SUBSECTION A, PARAGRAPH 5.

15 15-756.01. Contracts with private vendors

16 SCHOOL DISTRICTS AND CHARTER SCHOOLS MAY ENTER INTO CONTRACTS WITH
17 PRIVATE VENDORS THAT PROVIDE LITERACY SERVICES THAT ARE DESIGNED TO MAKE
18 PARTICIPATING PUPILS WHO BEGIN RECEIVING THE SERVICES IN KINDERGARTEN
19 SUCCESSFUL AT READING, WRITING AND SPEAKING ENGLISH AT THE THIRD GRADE LEVEL
20 BY THE END OF THE THIRD GRADE.

21 Sec. 2. Section 15-901, Arizona Revised Statutes, is amended to read:

22 15-901. Definitions

23 A. In this title, unless the context otherwise requires:

24 1. "Average daily attendance" or "ADA" means actual average daily
25 attendance through the first one hundred days or two hundred days in session,
26 as applicable.

27 2. "Average daily membership" means the total enrollment of fractional
28 students and full-time students, minus withdrawals, of each school day
29 through the first one hundred days or two hundred days in session, as
30 applicable, for the current year. Withdrawals include students formally
31 withdrawn from schools and students absent for ten consecutive school days,
32 except for excused absences as identified by the department of
33 education. For computation purposes, the effective date of withdrawal shall
34 be retroactive to the last day of actual attendance of the student.

35 (a) "Fractional student" means:

36 (i) For common schools, until fiscal year 2001-2002, a preschool child
37 who is enrolled in a program for preschool children with disabilities of at
38 least three hundred sixty minutes each week or a kindergarten student at
39 least five years of age prior to January 1 of the school year and enrolled
40 in a school kindergarten program that meets at least three hundred forty-six
41 instructional hours during the minimum number of days required in a school
42 year as provided in section 15-341. In fiscal year 2001-2002, the
43 kindergarten program shall meet at least three hundred forty-eight hours. In
44 fiscal year 2002-2003, the kindergarten program shall meet at least three
45 hundred fifty hours. In fiscal year 2003-2004, the kindergarten program

1 shall meet at least three hundred fifty-two hours. In fiscal year 2004-2005,
2 the kindergarten program shall meet at least three hundred fifty-four hours.
3 In fiscal year 2005-2006 and each fiscal year thereafter, the kindergarten
4 program shall meet at least three hundred fifty-six hours. Lunch periods and
5 recess periods may not be included as part of the instructional hours unless
6 the child's individualized education program requires instruction during
7 those periods and the specific reasons for such instruction are fully
8 documented. In computing the average daily membership, preschool children
9 with disabilities and kindergarten students shall be counted as one-half of
10 a full-time student. For common schools, a part-time student is a student
11 enrolled for less than the total time for a full-time student as defined in
12 this section. A part-time common school student shall be counted as
13 one-fourth, one-half or three-fourths of a full-time student if the student
14 is enrolled in an instructional program that is at least one-fourth, one-half
15 or three-fourths of the time a full-time student is enrolled as defined in
16 subdivision (b) of this paragraph.

17 (ii) For high schools, a part-time student who is enrolled in less
18 than four subjects that count toward graduation as defined by the state board
19 of education in a recognized high school and who is taught in less than
20 twenty instructional hours per week prorated for any week with fewer than
21 five school days. A part-time high school student shall be counted as
22 one-fourth, one-half or three-fourths of a full-time student if the student
23 is enrolled in an instructional program that is at least one-fourth, one-half
24 or three-fourths of a full-time instructional program as defined in
25 subdivision (c) of this paragraph.

26 (b) "Full-time student" means:

27 (i) For common schools, a student who is at least six years of age
28 prior to January 1 of a school year, who has not graduated from the highest
29 grade taught in the school district and who is regularly enrolled in a course
30 of study required by the state board of education. Until fiscal year
31 2001-2002, first, second and third grade students, ungraded students at least
32 six, but under nine, years of age by September 1 or ungraded group B children
33 with disabilities who are at least five, but under six, years of age by
34 September 1 must be enrolled in an instructional program that meets for a
35 total of at least six hundred ninety-two hours during the minimum number of
36 days required in a school year as provided in section 15-341. In fiscal year
37 2001-2002, the program shall meet at least six hundred ninety-six hours. In
38 fiscal year 2002-2003, the program shall meet at least seven hundred
39 hours. In fiscal year 2003-2004, the program shall meet at least seven
40 hundred four hours. In fiscal year 2004-2005, the program shall meet at
41 least seven hundred eight hours. In fiscal year 2005-2006 and in each fiscal
42 year thereafter, the program shall meet at least seven hundred twelve
43 hours. Until fiscal year 2001-2002, fourth, fifth and sixth grade students
44 or ungraded students at least nine, but under twelve, years of age by
45 September 1 must be enrolled in an instructional program that meets for a

total of at least eight hundred sixty-five hours during the minimum number of school days required in a school year as provided in section 15-341. In fiscal year 2001-2002, the program shall meet at least eight hundred seventy hours. In fiscal year 2002-2003, the program shall meet at least eight hundred seventy-five hours. In fiscal year 2003-2004, the program shall meet at least eight hundred eighty hours. In fiscal year 2004-2005, the program shall meet at least eight hundred eighty-five hours. In fiscal year 2005-2006 and each fiscal year thereafter, the program shall meet at least eight hundred ninety hours. Until fiscal year 2001-2002, seventh and eighth grade students or ungraded students at least twelve, but under fourteen, years of age by September 1 must be enrolled in an instructional program that meets for a total of at least one thousand thirty-eight hours during the minimum number of days required in a school year as provided in section 15-341. In fiscal year 2001-2002, the program shall meet at least one thousand forty-four hours. In fiscal year 2002-2003, the program shall meet at least one thousand fifty hours. In fiscal year 2003-2004, the program shall meet at least one thousand fifty-six hours. In fiscal year 2004-2005, the program shall meet at least one thousand sixty-two hours. In fiscal year 2005-2006 and each fiscal year thereafter, the program shall meet at least one thousand sixty-eight hours. Lunch periods and recess periods may not be included as part of the instructional hours unless the student is a child with a disability and the child's individualized education program requires instruction during those periods and the specific reasons for such instruction are fully documented.

(ii) For high schools, a student not graduated from the highest grade taught in the school district, or an ungraded student at least fourteen years of age by September 1, and enrolled in at least a full-time instructional program of subjects that count toward graduation as defined by the state board of education in a recognized high school. A full-time student shall not be counted more than once for computation of average daily membership.

(iii) For homebound or hospitalized, a student receiving at least four hours of instruction per week.

(c) "Full-time instructional program" means at least four subjects, each of which, if taught each school day for the minimum number of days required in a school year, through fiscal year 2000-2001, would meet a minimum of one hundred twenty hours a year, or the equivalent, or one or more subjects taught in amounts of time totalling at least twenty hours per week prorated for any week with fewer than five school days. For fiscal years after 2000-2001:

(i) In fiscal years 2001-2002 and 2002-2003, each subject shall meet at least one hundred twenty-two hours. In fiscal year 2003-2004 and each fiscal year thereafter, each subject shall meet at least one hundred twenty-three hours.

(ii) For grades nine, ten and eleven, the total program shall meet at least eight hundred eighty hours in fiscal year 2001-2002. In fiscal year

1 2002-2003, the total program shall meet at least eight hundred eighty-five
2 hours. In fiscal year 2003-2004, the total program shall meet at least eight
3 hundred ninety hours. In fiscal year 2004-2005, the total program shall meet
4 at least eight hundred ninety-five hours. In fiscal year 2005-2006 and each
5 fiscal year thereafter, the total program shall meet at least nine hundred
6 hours.

7 3. "Budget year" means the fiscal year for which the school district
8 is budgeting and which immediately follows the current year.

9 4. "Common school district" means a political subdivision of this
10 state offering instruction to students in programs for preschool children
11 with disabilities and kindergarten programs and grades one through eight.

12 5. "Current year" means the fiscal year in which a school district is
13 operating.

14 6. "Daily attendance" means:

15 (a) For common schools, days in which a pupil:

16 (i) Of a kindergarten program or ungraded, but not group B children
17 with disabilities, and at least five, but under six, years of age by
18 September 1 attends at least three-quarters of the instructional time
19 scheduled for the day. If the total instruction time scheduled for the year
20 is at least three hundred forty-six hours but is less than six hundred
21 ninety-two hours such attendance shall be counted as one-half day of
22 attendance. If the instructional time scheduled for the year is at least six
23 hundred ninety-two hours, "daily attendance" means days in which a pupil
24 attends at least one-half of the instructional time scheduled for the
25 day. Such attendance shall be counted as one-half day of attendance.

26 (ii) Of the first, second or third grades, ungraded and at least six,
27 but under nine, years of age by September 1 or ungraded group B children with
28 disabilities and at least five, but under six, years of age by September 1
29 attends more than three-quarters of the instructional time scheduled for the
30 day.

31 (iii) Of the fourth, fifth or sixth grades or ungraded and at least
32 nine, but under twelve, years of age by September 1 attends more than
33 three-quarters of the instructional time scheduled for the day, except as
34 provided in section 15-797.

35 (iv) Of the seventh or eighth grades or ungraded and at least twelve,
36 but under fourteen, years of age by September 1 attends more than
37 three-quarters of the instructional time scheduled for the day, except as
38 provided in section 15-797.

39 (b) For common schools; the attendance of a pupil at three-quarters
40 or less of the instructional time scheduled for the day shall be counted as
41 follows, except as provided in section 15-797 and except that attendance for
42 a fractional student shall not exceed the pupil's fractional membership:

43 (i) If attendance for all pupils in the school is based on quarter
44 days, the attendance of a pupil shall be counted as one-fourth of a day's
45 attendance for each one-fourth of full-time instructional time attended.

1 (ii) If attendance for all pupils in the school is based on half days,
2 the attendance of at least three-quarters of the instructional time scheduled
3 for the day shall be counted as a full day's attendance and attendance at a
4 minimum of one-half but less than three-quarters of the instructional time
5 scheduled for the day equals one-half day of attendance.

6 (c) For common schools, the attendance of a preschool child with
7 disabilities shall be counted as one-fourth day's attendance for each
8 thirty-six minutes of attendance not including lunch periods and recess
9 periods, except as provided in paragraph 2, subdivision (a), item (i) of this
10 subsection for children with disabilities up to a maximum of three hundred
11 sixty minutes each week.

12 (d) For high schools or ungraded schools in which the pupil is at
13 least fourteen years of age by September 1, the attendance of a pupil shall
14 not be counted as a full day unless the pupil is actually and physically in
15 attendance and enrolled in and carrying four subjects, each of which, if
16 taught each school day for the minimum number of days required in a school
17 year, would meet a minimum of one hundred twenty hours a year, or the
18 equivalent, that count toward graduation in a recognized high school except
19 as provided in section 15-797 and subdivision (e) of this paragraph.
20 Attendance of a pupil carrying less than the load prescribed shall be
21 prorated.

22 (e) For high schools or ungraded schools in which the pupil is at
23 least fourteen years of age by September 1, the attendance of a pupil may be
24 counted as one-fourth of a day's attendance for each sixty minutes of
25 instructional time in a subject that counts toward graduation, except that
26 attendance for a pupil shall not exceed the pupil's full or fractional
27 membership.

28 (f) For homebound or hospitalized, a full day of attendance may be
29 counted for each day during a week in which the student receives at least
30 four hours of instruction.

31 (g) For school districts which maintain school for an approved
32 year-round school year operation, attendance shall be based on a computation,
33 as prescribed by the superintendent of public instruction, of the one hundred
34 eighty days' equivalency or two hundred days' equivalency, as applicable, of
35 instructional time as approved by the superintendent of public instruction
36 during which each pupil is enrolled.

37 7. "Daily route mileage" means the sum of:

38 (a) The total number of miles driven daily by all buses of a school
39 district while transporting eligible students from their residence to the
40 school of attendance and from the school of attendance to their residence on
41 scheduled routes approved by the superintendent of public instruction.

42 (b) The total number of miles driven daily on routes approved by the
43 superintendent of public instruction for which a private party, a political
44 subdivision or a common or a contract carrier is reimbursed for bringing an
45 eligible student from the place of his residence to a school transportation

1 pickup point or to the school of attendance and from the school
2 transportation scheduled return point or from the school of attendance to his
3 residence.

4 Daily route mileage includes the total number of miles necessary to drive to
5 transport eligible students from and to their residence as provided in this
6 paragraph.

7 8. "District support level" means the base support level plus the
8 transportation support level.

9 9. "Eligible students" means:

10 (a) Students who are transported by or for a school district and who
11 qualify as full-time students or fractional students, except students for
12 whom transportation is paid by another school district or a county school
13 superintendent, and:

14 (i) For common school students, whose place of actual residence within
15 the school district is more than one mile from the school facility of
16 attendance or students who are admitted pursuant to section 15-816.01 and who
17 meet the economic eligibility requirements established under the national
18 school lunch and child nutrition acts (42 United States Code sections 1751
19 through 1785) for free or reduced price lunches and whose actual place of
20 residence outside the school district boundaries is more than one mile from
21 the school facility of attendance.

22 (ii) For high school students, whose place of actual residence within
23 the school district is more than one and one-half miles from the school
24 facility of attendance or students who are admitted pursuant to section
25 15-816.01 and who meet the economic eligibility requirements established
26 under the national school lunch and child nutrition acts (42 United States
27 Code sections 1751 through 1785) for free or reduced price lunches and whose
28 actual place of residence outside the school district boundaries is more than
29 one and one-half miles from the school facility of attendance.

30 (b) Kindergarten students, for purposes of computing the number of
31 eligible students under subdivision (a), item (i) of this paragraph, shall
32 be counted as full-time students, notwithstanding any other provision of law.

33 (c) Children with disabilities, as defined by section 15-761, who are
34 transported by or for the school district or who are admitted pursuant to
35 chapter 8, article 1.1 of this title and who qualify as full-time students
36 or fractional students regardless of location or residence within the school
37 district or children with disabilities whose transportation is required by
38 the pupil's individualized education program.

39 (d) Students whose residence is outside the school district and who
40 are transported within the school district on the same basis as students who
41 reside in the school district.

42 10. "Enrolled" or "enrollment" means when a pupil is currently
43 registered in the school district.

1 11. "GDP price deflator" means the average of the four implicit price
2 deflators for the gross domestic product reported by the United States
3 department of commerce for the four quarters of the calendar year.

4 12. "High school district" means a political subdivision of this state
5 offering instruction to students for grades nine through twelve or that
6 portion of the budget of a common school district which is allocated to
7 teaching high school subjects with permission of the state board of
8 education.

9 13. "Revenue control limit" means the base revenue control limit plus
10 the transportation revenue control limit.

11 14. "Student count" means average daily membership as prescribed in
12 this subsection for the fiscal year prior to the current year, except that
13 for the purpose of budget preparation student count means average daily
14 membership as prescribed in this subsection for the current year.

15 15. "Submit electronically" means submitted in a format and in a manner
16 prescribed by the department of education.

17 16. "Total bus mileage" means the total number of miles driven by all
18 buses of a school district during the school year.

19 17. "Total students transported" means all eligible students
20 transported from their place of residence to a school transportation pickup
21 point or to the school of attendance and from the school of attendance or
22 from the school transportation scheduled return point to their place of
23 residence.

24 18. "Unified school district" means a political subdivision of the
25 state offering instruction to students in programs for preschool children
26 with disabilities and kindergarten programs and grades one through twelve.

27 B. In this title, unless the context otherwise requires:

28 1. "Base" means the revenue level per student count specified by the
29 legislature.

30 2. "Base level" means:

31 (a) For fiscal year 1999-2000, two thousand five hundred fifty-nine
32 dollars ninety-three cents.

33 (b) For fiscal year 2000-2001, two thousand five hundred eighty-five
34 dollars sixty cents.

35 (c) For fiscal year 2001-2002, two thousand six hundred eighty-seven
36 dollars thirty-two cents.

37 (d) For fiscal year 2002-2003, two thousand seven hundred fifty-three
38 dollars ninety cents.

39 3. "Base revenue control limit" means the base revenue control limit
40 computed as provided in section 15-944.

41 4. "Base support level" means the base support level as provided in
42 section 15-943.

43 5. "Certified teacher" means a person who is certified as a teacher
44 pursuant to the rules adopted by the state board of education, who renders
45 direct and personal services to school children in the form of instruction

1 related to the school district's educational course of study and who is paid
2 from the maintenance and operation section of the budget.

3 6. "ED, MIMR, SLD, SLI and OHI" means programs for children with
4 emotional disabilities, mild mental retardation, a specific learning
5 disability, a speech/language impairment and other health impairments.

6 7. "ED-P" means programs for children with emotional disabilities who
7 are enrolled in private special education programs as prescribed in section
8 15-765, subsection D, paragraph 1 or in an intensive school district program
9 as provided in section 15-765, subsection D, paragraph 2.

10 8. "ELL" MEANS ENGLISH LEARNERS WHO DO NOT SPEAK ENGLISH OR WHOSE
11 NATIVE LANGUAGE IS NOT ENGLISH, WHO ARE NOT CURRENTLY ABLE TO PERFORM
12 ORDINARY CLASSROOM WORK IN ENGLISH AND WHO ARE ENROLLED IN AN ENGLISH
13 LANGUAGE EDUCATION PROGRAM PURSUANT TO SECTIONS 15-751, 15-752 AND 15-753.

14 ~~8.~~ 9. "Full-time equivalent certified teacher" or "FTE certified
15 teacher" means for a certified teacher the following:

16 (a) If employed full time as defined in section 15-501, 1.00.

17 (b) If employed less than full time, multiply 1.00 by the percentage
18 of a full school day, or its equivalent, or a full class load, or its
19 equivalent, for which the teacher is employed as determined by the governing
20 board.

21 ~~9.~~ 10. "Group A" means educational programs for career exploration,
22 a specific learning disability, an emotional disability, mild mental
23 retardation, remedial education, a speech/language impairment, homebound,
24 bilingual, preschool moderate delay, preschool speech/language delay, other
25 health impairments and gifted pupils.

26 ~~10.~~ 11. "Group B" means educational improvements for pupils in
27 kindergarten programs and grades one through three, educational programs for
28 autism, a hearing impairment, moderate mental retardation, multiple
29 disabilities, multiple disabilities with severe sensory impairment,
30 orthopedic impairments, preschool severe delay, severe mental retardation and
31 emotional disabilities for school age pupils enrolled in private special
32 education programs or in school district programs for children with severe
33 disabilities or visual impairment and ~~limited English proficient pupils~~
34 ENGLISH LEARNERS enrolled in a program to promote English language
35 proficiency pursuant to section ~~15-754~~ 15-752.

36 ~~11.~~ 12. "HI" means programs for pupils with hearing impairment.

37 ~~12.~~ 13. "Homebound" or "hospitalized" means a pupil who is capable of
38 profiting from academic instruction but is unable to attend school due to
39 illness, disease, accident or other health conditions, who has been examined
40 by a competent medical doctor and who is certified by that doctor as being
41 unable to attend regular classes for a period of not less than three school
42 months or a pupil who is capable of profiting from academic instruction but
43 is unable to attend school regularly due to chronic or acute health problems,
44 who has been examined by a competent medical doctor and who is certified by
45 that doctor as being unable to attend regular classes for intermittent

1 periods of time totaling three school months during a school year. The
2 medical certification shall state the general medical condition, such as
3 illness, disease or chronic health condition, that is the reason that the
4 pupil is unable to attend school. Homebound or hospitalized includes a
5 student who is unable to attend school for a period of less than three months
6 due to a pregnancy if a competent medical doctor, after an examination,
7 certifies that the student is unable to attend regular classes due to risk
8 to the pregnancy or to the student's health.

9 ~~13.~~ 14. "K-3" means kindergarten programs and grades one through
10 three.

11 ~~14. "LEP" means limited English proficient pupils who are enrolled in~~
12 ~~a program to promote English language proficiency pursuant to section 15-754.~~

13 15. "MD-R, A-R and SMR-R" means resource programs for pupils with
14 multiple disabilities, autism and severe mental retardation.

15 16. "MD-SC, A-SC and SMR-SC" means self-contained programs for pupils
16 with multiple disabilities, autism and severe mental retardation.

17 17. "MDSSI" means a program for pupils with multiple disabilities with
18 severe sensory impairment.

19 18. "MOMR" means programs for pupils with moderate mental retardation.

20 19. "OI-R" means a resource program for pupils with orthopedic
21 impairments.

22 20. "OI-SC" means a self-contained program for pupils with orthopedic
23 impairments.

24 21. "PSD" means preschool programs for children with disabilities as
25 provided in section 15-771.

26 22. "P-SD" means programs for children who meet the definition of
27 preschool severe delay as provided in section 15-771.

28 23. "Qualifying tax rate" means the qualifying tax rate specified in
29 section 15-971 applied to the assessed valuation used for primary property
30 taxes.

31 24. "Small isolated school district" means a school district which
32 meets all of the following:

33 (a) Has a student count of fewer than six hundred in kindergarten
34 programs and grades one through eight or grades nine through twelve.

35 (b) Contains no school which is fewer than thirty miles by the most
36 reasonable route from another school, or, if road conditions and terrain make
37 the driving slow or hazardous, fifteen miles from another school which
38 teaches one or more of the same grades and is operated by another school
39 district in this state.

40 (c) Is designated as a small isolated school district by the
41 superintendent of public instruction.

42 25. "Small school district" means a school district which meets all of
43 the following:

(a) Has a student count of fewer than six hundred in kindergarten programs and grades one through eight or grades nine through twelve.

(b) Contains at least one school which is fewer than thirty miles by the most reasonable route from another school which teaches one or more of the same grades and is operated by another school district in this state.

(c) Is designated as a small school district by the superintendent of public instruction.

26. "Transportation revenue control limit" means the transportation revenue control limit computed as prescribed in section 15-946.

27. "Transportation support level" means the support level for pupil transportation operating expenses as provided in section 15-945.

28. "VI" means programs for pupils with visual impairments.

29. "Voc. Ed." means vocational and technological education programs, as defined in section 15-781, except that for the purpose of computing the district support level as provided in this title vocational and technological education programs only include approved vocational and technological programs for students in grades nine through twelve.

Sec. 3. Section 15-943, Arizona Revised Statutes, is amended to read:

15-943. Base support level

The base support level for each school district shall be computed as follows:

1. The following support level weights shall be used in paragraph 2, subdivision (a) for the following school districts:

(a) For school districts whose student count in kindergarten programs and grades one through eight is classified in column 1 of this subdivision, the support level weight for kindergarten programs and grades one through eight is the corresponding support level weight prescribed in column 2 or 3 of this subdivision, whichever is appropriate:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
	Support Level Weight	Support Level Weight
	For Small Isolated	For Small
<u>Student Count</u>	<u>School Districts</u>	<u>School Districts</u>
1-99	1.559	1.399
100-499	$1.358 + [0.0005 \times (500 - \text{student count})]$	$1.278 + [0.0003 \times (500 - \text{student count})]$
500-599	$1.158 + [0.002 \times (600 - \text{student count})]$	$1.158 + [0.0012 \times (600 - \text{student count})]$

(b) For school districts whose student count in grades nine through twelve is classified in column 1 of this subdivision, the support level weight for grades nine through twelve is the corresponding support level weight prescribed in column 2 or 3 of this subdivision, whichever is appropriate:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
	Support Level Weight	Support Level Weight
	For Small Isolated	For Small
<u>Student Count</u>	<u>School Districts</u>	<u>School Districts</u>
1-99	1.669	1.559
100-499	$1.468 + [0.0005 \times (500$	$1.398 + [0.0004 \times (500$
	$- \text{student count})]$	$- \text{student count})]$
500-599	$1.268 + [0.002 \times (600$	$1.268 + [0.0013 \times (600$
	$- \text{student count})]$	$- \text{student count})]$

2. Subject to paragraph 1, determine the weighted student count as follows:

(a)

<u>Grade Base</u>	<u>Group A</u>	<u>Support Level Weight</u>	<u>Student Count</u>	<u>Weighted Student Count</u>
PSD 1.000 + 0.450 = 1.450 x				
K-8 1.000 + 0.158 = 1.158 x				
9-12 1.163 + 0.105 = 1.268 x				
			Subtotal	A

(b)

<u>Funding Category</u>	<u>Support Level Weight</u>	<u>Student Count</u>	<u>Weighted Student Count</u>
HI	4.771 x		
K-3	0.060 x		
LEP ELL	0.060 0.115 x		
MD-R, A-R and SMR-R	6.024 x		
MD-SC, A-SC and SMR-SC	5.833 x		
MD-SSI	6.531 x		
OI-R	3.158 x		
OI-SC	5.576 x		
P-SD	3.595 x		
ED, MIMR, SLD, SLI and OHI	0.003 x		
ED-P	4.647 x		
MOMR	4.421 x		
VI	4.806 x		
		Subtotal	B

(c) Total of subtotals A and B:

3. Multiply the total determined in paragraph 2 by the base level.

4. Multiply the teacher experience index of the district or 1.00, whichever is greater, by the product obtained in paragraph 3.

1 Sec. 4. Title 15, chapter 9, article 3, Arizona Revised Statutes, is
2 amended by adding section 15-943.04, Arizona Revised Statutes, is amended to
3 read:

4 15-943.04. English learner classroom personnel bonus fund;
5 payment of English language classroom personnel
6 bonuses

7 THE ENGLISH LEARNER CLASSROOM PERSONNEL BONUS FUND IS ESTABLISHED
8 CONSISTING OF MONIES APPROPRIATED FOR THIS PURPOSE. THE DEPARTMENT OF
9 EDUCATION SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY
10 APPROPRIATED. THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE MONIES IN THE
11 FUND TO SCHOOL DISTRICTS AND CHARTER SCHOOLS IN THE AMOUNT OF TWO HUNDRED
12 FIFTY DOLLARS FOR EVERY ENGLISH LEARNER, AS DEFINED IN SECTION 15-751, WHO
13 WAS INSTRUCTED IN AN ENGLISH LEARNER PROGRAM IN THE PAST ACADEMIC YEAR, WHO
14 ACHIEVED ENGLISH PROFICIENCY AND WHO EXITED THE ENGLISH LEARNER PROGRAM.
15 SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL USE THE MONIES DISTRIBUTED
16 PURSUANT TO THIS SECTION TO PAY BONUSES DIRECTLY TO CLASSROOM PERSONNEL,
17 EXCLUDING PRINCIPALS AND ADMINISTRATORS, WHO ARE INVOLVED IN ENGLISH LEARNER
18 PROGRAMS. A SCHOOL DISTRICT OR CHARTER SCHOOL SHALL NOT RECEIVE MORE THAN
19 ONE DISTRIBUTION FROM THE ENGLISH LEARNER CLASSROOM PERSONNEL BONUS FUND FOR
20 THE SAME PUPIL.

21 Sec. 5. Section 15-1626, Arizona Revised Statutes, is amended to read:

22 15-1626. General administrative powers of board

23 A. The board shall:

24 1. Have and exercise the powers necessary for the effective governance
25 and administration of the institutions under its control. To that end, the
26 board may adopt, and authorize each university to adopt, such regulations,
27 policies, rules or measures as are deemed necessary and may delegate in
28 writing to its committees, to its university presidents, or their designees,
29 or to other entities under its control, any part of its authority for the
30 administration and governance of such institutions, including those powers
31 enumerated in section 15-1625, subsection B, paragraphs 2 and 4, paragraphs
32 3, 4, 7, 8, 10 and 11 of this subsection, and subsection B of this section.
33 Any delegation of authority may be rescinded by the board at any time in
34 whole or in part.

35 2. Appoint and employ and determine the compensation of presidents
36 with such power and authority and for such purposes in connection with the
37 operation of the institutions as the board deems necessary.

38 3. Appoint and employ and determine the compensation of
39 vice-presidents, deans, professors, instructors, lecturers, fellows and such
40 other officers and employees with such power and authority and for such
41 purposes in connection with the operation of the institutions as the board
42 deems necessary, or delegate its authority pursuant to paragraph 1 of this
43 subsection.

1 4. Remove any officer or employee when the interests of education in
2 this state so require in accordance with its personnel rules and policies.

3 5. Fix tuitions and fees to be charged and graduate the tuitions and
4 fees between institutions and between residents, nonresidents and students
5 from foreign countries. The amount of tuition, registration fees and other
6 revenues included in the operating budget for the university adopted by the
7 board as prescribed in paragraph 12 of this subsection shall be deposited,
8 pursuant to sections 35-146 and 35-147. All other tuition and fee revenue
9 shall be retained by each university for expenditure as approved by the
10 board. Except as provided in subsection H OF THIS SECTION, the Arizona board
11 of regents shall adopt rules to govern its tuition and fee setting process
12 which shall provide for the following:

13 (a) At least one public hearing at each university as an opportunity
14 for students and members of the public to comment upon any proposed increase
15 in tuition or fees.

16 (b) Publication of the NOTICE OF public hearing at least ten days
17 prior to the hearing in a newspaper of general circulation in Maricopa
18 county, Coconino county and Pima county. The notice shall include the date,
19 time and location of the public hearing.

20 (c) Public disclosure by each university of any recommended PROPOSED
21 increases in tuition or fees at least ten days prior to the public hearing.

22 (d) Final board action on changes in tuition or fees shall be taken
23 by roll call vote. The procedural requirements of subdivisions (a), (b), (c)
24 and (d) apply only to those changes in tuition or fees that require board
25 approval.

26 6. Pursuant to section 35-115, submit a budget request for each
27 institution under its jurisdiction that includes the estimated tuition and
28 fee revenue available to support the programs of the institution as described
29 in the budget request. The estimated available tuition and fee revenue shall
30 be based on the tuition and registration fee rates in effect at the time the
31 budget request is submitted with adjustments for projected changes in
32 enrollment as provided by the board.

33 7. Establish curriculums and designate courses at the several
34 institutions which in its judgment will best serve the interests of this
35 state.

36 8. Award such degrees and diplomas upon the completion of such courses
37 and curriculum requirements as it deems appropriate.

38 9. Prescribe qualifications for admission of all students to the
39 universities. For the purpose of determining the qualifications of honorably
40 discharged veterans, veterans are those who served in the armed forces for
41 a minimum of two years and who were previously enrolled at a university or
42 community college in this state. No prior failing grades received by the
43 veteran at the university or community college in this state may be
44 considered.

1 10. Adopt any energy conservation standards promulgated by the
2 department of administration for the construction of new buildings.

3 11. Employ for such time and purposes as the board requires attorneys
4 whose compensation shall be fixed and paid by the board. Litigation to which
5 the board is a party and for which self-insurance is not provided may be
6 compromised or settled at the direction of the board.

7 12. Adopt annually an operating budget for each university equal to the
8 sum of appropriated general fund monies and the amount of tuition,
9 registration fees and other revenues approved by the board and allocated to
10 each university operating budget.

11 13. In consultation with the state board of education and other
12 education groups, develop and implement a program to award honors
13 endorsements to be affixed to the high school diplomas of qualifying high
14 school pupils and to be included in the transcripts of pupils who are awarded
15 endorsements. The board shall develop application procedures and testing
16 criteria and adopt testing instruments and procedures to administer the
17 program. In order to receive an honors endorsement, a pupil must demonstrate
18 an extraordinary level of knowledge, skill and competency as measured by the
19 testing instruments adopted by the board in mathematics, English, science and
20 social studies. Additional subjects may be added at the determination of the
21 board. The program is voluntary for pupils.

22 14. Require the publisher of each literary and nonliterary textbook
23 used in the universities of this state to furnish computer software in a
24 standardized format when software becomes available for nonliterary
25 textbooks, to the Arizona board of regents from which braille versions of the
26 textbooks may be produced.

27 15. REQUIRE UNIVERSITIES THAT PROVIDE A DEGREE IN EDUCATION TO REQUIRE
28 COURSES THAT ARE NECESSARY TO OBTAIN A PROVISIONAL STRUCTURED ENGLISH
29 IMMERSION ENDORSEMENT AS PRESCRIBED BY THE STATE BOARD OF EDUCATION.

30 B. The board shall adopt personnel rules. All nonacademic employees
31 of the universities are subject to these rules except for university
32 presidents, university vice-presidents, university deans, legal counsel and
33 administrative officers. The personnel rules shall be similar to the
34 personnel rules under section 41-783. The rules shall include provisions for
35 listing available positions with the department of economic security,
36 competitive employment processes for applicants, probationary status for new
37 nonacademic employees, nonprobationary status on successful completion of
38 probation and due process protections of nonprobationary employees after
39 discharge. The board shall provide notice of proposed rule adoption and an
40 opportunity for public comment on all personnel rules proposed for adoption.

41 C. The Arizona board of regents may employ legal assistance in
42 procuring loans for the institutions from the United States government. Fees
43 or compensation paid for such legal assistance shall not be a claim upon the
44 general fund of this state but shall be paid from funds of the institutions.

1 D. The board shall approve or disapprove any contract or agreement
2 entered into by the university of Arizona hospital with the Arizona health
3 facilities authority.

4 E. The board may adopt policies which authorize the institutions under
5 its jurisdiction to enter into employment contracts with nontenured employees
6 for periods of more than one year but not more than five years. The policies
7 shall prescribe limitations on the authority of the institutions to enter
8 into employment contracts for periods of more than one year but not more than
9 five years, including the requirement that the board approve the contracts.

10 F. The board may adopt a plan or plans for employee benefits which
11 allow for participation in a cafeteria plan that meets the requirements of
12 the United States internal revenue code of 1986.

13 G. The board may establish a program for the exchange of students
14 between the universities under the jurisdiction of the board and colleges and
15 universities located in the state of Sonora, Mexico. Notwithstanding
16 subsection A, paragraph 5 of this section, the program may provide for
17 in-state tuition at the universities under the jurisdiction of the board for
18 fifty Sonoran students in exchange for similar tuition provisions for up to
19 fifty Arizona students enrolled or seeking enrollment in Sonoran colleges or
20 universities. The board may direct the universities to work in conjunction
21 with the Arizona-Mexico commission to coordinate recruitment and admissions
22 activities.

23 H. Subsection A, paragraph 5, subdivision (a), (b), (c) and (d) of
24 this section do not apply to fee increases that are set by individual
25 universities and that do not require approval by the Arizona board of regents
26 before the fee increase becomes effective.

27 Sec. 6. Joint legislative committee on school maintenance and
28 operations funding

29 A. A joint legislative committee on school maintenance and operations
30 funding is established consisting of:

31 1. Four members of the house of representatives, no more than two of
32 whom shall be members of the same political party. The leader of each of the
33 two major parties of the house of representatives shall appoint two members
34 to serve on the joint legislative committee. Members appointed pursuant to
35 this paragraph shall be selected within thirty days of the effective date of
36 this act. The speaker of the house of representatives shall select one of
37 the members appointed pursuant to this paragraph to co-chair the joint
38 legislative committee.

39 2. Four members of the senate, no more than two of whom shall be
40 members of the same political party. The leader of each of the two major
41 parties of the senate shall appoint two members to serve on the joint
42 legislative committee. Members appointed pursuant to this paragraph shall
43 be selected within thirty days of the effective date of this act. The
44 president of the senate shall select one of the members appointed pursuant
45 to this paragraph to co-chair the joint legislative committee.

1 B. The committee shall:

2 1. Evaluate and make specific recommendations on school district and
3 charter school maintenance and operations funding, including specific
4 recommendations concerning group A and group B weights, with emphasis on the
5 group B weight for English learners and the funding formula for rural and
6 small schools.

7 2. Evaluate and make specific recommendations on English learner
8 programs, including, but not limited to the following:

9 (a) The manner in which structured English immersion programs and
10 bilingual education programs are implemented in this state.

11 (b) The additional requirements for school districts and charter
12 schools necessitated by the ballot initiative that enacted the provisions of
13 title 15, chapter 7, article 3.1 and the consent order dated June 30, 2000
14 in the Flores v. Arizona litigation.

15 (c) The identification of which school districts and charter schools
16 have significantly high reclassification rates and test scores for English
17 learners.

18 (d) The incremental amount per student that school districts and
19 charter schools spend on each English learner from any and all funding
20 sources.

21 (e) Whether additional compensatory instruction monies that are made
22 available should be distributed to parents of English learners or the school
23 district or charter school.

24 (f) The current use of federal monies for English learner programs and
25 the future appropriate use of federal monies for English learner programs.

26 (g) The extent to which school districts and charter schools are in
27 compliance with state and federal laws relating to English learner programs,
28 including the consent order dated June 30, 2000 in the Flores v. Arizona
29 litigation.

30 3. Review a form developed by the state board of education to be used
31 by all school districts and charter schools for use at the beginning of the
32 2003-2004 school year for parental waivers pursuant to section 15-753,
33 Arizona Revised Statutes.

34 4. Review a parent or legal guardian English learner notification and
35 consent form developed by the state board of education to be used by all
36 school districts and charter schools for use at the beginning of the
37 2002-2003 school year. The form shall be completed annually by either school
38 district or charter school personnel and the classroom teacher within thirty
39 days of the receipt of the language proficiency test results. The form shall
40 be signed and dated by both the primary classroom teacher and the student's
41 parents or legal guardian. The signed and completed form shall be kept on
42 file by the school district or charter school. The form shall not exceed one
43 page in length and shall contain the following information:

1 (a) The pupil's name.

2 (b) The reasons that the pupil has been placed in a language
3 acquisition program.

4 (c) A check box that indicates whether the pupil has been placed in
5 a structured English immersion program or a bilingual education program.

6 (d) A list of the criteria that will be used to determine if the pupil
7 has achieved English proficiency.

8 5. Recommend to the state board of education:

9 (a) Structured English immersion guidelines and methodologies to be
10 used by school districts and charter schools.

11 (b) Guidelines for the courses required pursuant to section 15-1626,
12 Arizona Revised Statutes, as amended by this act, pertaining to provisional
13 structured English immersion endorsements.

14 (c) Guidelines and requirements for structured English immersion
15 certification of teachers.

16 (d) Other sources of in-service teacher training.

17 6. Submit a report of its findings, recommendations and proposed
18 legislation to the president of the senate, the speaker of the house of
19 representatives and the governor on or before December 1, 2004. The
20 committee shall provide a copy of the report to the secretary of state and
21 the director of the Arizona state library, archives and public records.

22 C. The committee may instruct the auditor general to conduct and
23 complete any and all audits that the committee deems necessary. The auditor
24 general shall report to the committee the results of any audits conducted
25 pursuant to this subsection.

26 D. The committee may utilize the services and staff of the department
27 of education, the auditor general, legislative council and the legislature.

28 Sec. 7. Delayed repeal

29 Section 6 of this act, relating to the joint legislative committee on
30 school maintenance and operations funding, is repealed from and after
31 December 31, 2004.

32 Sec. 8. Cost study of ELL group B weight; report

33 A. The legislative council shall select and contract with a private
34 entity to conduct a cost study of the group B weight for English learners.
35 The cost study shall determine the actual cost of complying with all state
36 and federal laws relating to language acquisition programs and the current
37 use of federal monies for English learner programs and the future appropriate
38 use of federal monies for English learner programs. The cost study shall
39 reflect the requirements listed in the consent order dated June 30, 2000 in
40 the Flores v. Arizona litigation.

41 B. The joint legislative committee on school maintenance and
42 operations funding shall determine the scope and content of the cost study
43 and the school districts and charter schools that will be selected to
44 participate in the cost study. No fewer than fifty per cent of the school
45 districts and charter schools that are selected to participate in the cost

1 study shall be from school districts and charter schools with the highest
2 number of pupils who are classified as English learners.

3 C. Legislative council shall award the contract to conduct the cost
4 study to the selected private entity by August 1, 2002. The private entity
5 shall complete the cost study and submit its final report to the joint
6 legislative committee, the governor, the president of the senate and the
7 speaker of the house of representatives on or before August 1, 2004 and shall
8 provide a copy of this report to the secretary of state and the director of
9 the Arizona state library, archives and public records.

10 Sec. 9. Effective date

11 Section 15-943, Arizona Revised Statutes, as amended by this act, is
12 effective from and after June 30, 2002.

13 Sec. 10. Appropriation; purpose; exemption

14 A. The sum of \$500,000 is appropriated from the state general fund in
15 fiscal year 2002-2003 to legislative council in order to carry out the
16 purposes of section 6 of this act, relating to the joint legislative
17 committee on school maintenance and operations funding and section 8 of this
18 act, relating to the cost study of ELL group B weight.

19 B. The appropriation made in subsection A of this section is exempt
20 from the provisions of section 35-190, Arizona Revised Statutes, relating to
21 lapsing of appropriations, except that all monies remaining unexpended and
22 unencumbered on December 2, 2004 revert to the state general fund.

23 Sec. 11. Appropriations; purpose; exemption

24 A. The sum of \$4,500,000 is appropriated from the state general fund
25 in fiscal year 2002-2003 to the department of education for distribution to
26 school districts and charter schools to pay teachers for reimbursement for
27 the successful completion of courses or other training prescribed in section
28 15-756, subsection A, paragraph 5, Arizona Revised Statutes, as added by this
29 act, that are required to acquire a structured English immersion endorsement
30 or a bilingual education endorsement as prescribed by rules adopted by the
31 state board of education.

32 B. The sum of \$4,500,000 is appropriated from the state general fund
33 in fiscal year 2003-2004 to the department of education for distribution to
34 school districts and charter schools to pay teachers for reimbursement for
35 the successful completion of courses or other training prescribed in section
36 15-756, subsection A, paragraph 5, Arizona Revised Statutes, as added by this
37 act, that are required to acquire a structured English immersion endorsement
38 or a bilingual education endorsement as prescribed by rules adopted by the
39 state board of education.

40 C. The sum of \$4,500,000 is appropriated from the state general fund
41 in fiscal year 2004-2005 to the department of education for distribution to
42 school districts and charter schools to pay teachers for reimbursement for
43 the successful completion of courses or other training prescribed in section
44 15-756, subsection A, paragraph 5, Arizona Revised Statutes, as added by this
45 act, that are required to acquire a structured English immersion endorsement

1 or a bilingual education endorsement as prescribed by rules adopted by the
2 state board of education.

3 D. If federal monies are received by the department of education for
4 the specific purposes for which monies are appropriated pursuant to this
5 section, the department of education shall revert the portion of the state
6 general fund appropriation received equal to the federal dollars received for
7 this purpose in the year that federal monies are received, if the reversion
8 is consistent with federal law.

9 E. The appropriations made in this section are exempt from the
10 provisions of section 35-190, Arizona Revised Statutes, relating to lapsing
11 of appropriations.

12 Sec. 12. Appropriations; purpose; exemption

13 A. The sum of \$3,080,000 is appropriated from the state general fund
14 in fiscal year 2001-2002 to the department of education for distribution to
15 school districts and charter schools for compensatory instruction for English
16 learners. Eligible school districts and charter schools shall receive an
17 amount for every English learner who is not making adequate academic progress
18 as prescribed by rules adopted by the state board of education. The per
19 pupil amount shall be determined by dividing the appropriation by the number
20 of English learners in this state who are not making adequate academic
21 progress. In order to be eligible for monies appropriated pursuant to this
22 section, a school district or charter school must demonstrate to the
23 department of education that it has established a satisfactory compensatory
24 instruction program. School districts and charter schools that receive
25 monies pursuant to this section shall only spend these monies on compensatory
26 instruction. A school district or charter school shall not receive more than
27 one hundred dollars per English learner from monies distributed pursuant to
28 this section.

29 B. The sum of \$5,500,000 is appropriated from the state general fund
30 in fiscal year 2002-2003 to the department of education for distribution to
31 school districts and charter schools for compensatory instruction for English
32 learners. Eligible school districts and charter schools shall receive an
33 amount for every English learner who is not making adequate academic progress
34 as prescribed by rules adopted by the state board of education. The per
35 pupil amount shall be determined by dividing the appropriation and any monies
36 unexpended in the previous year by the number of English learners in this
37 state who are not making adequate academic progress. In order to be eligible
38 for monies appropriated pursuant to this section, a school district or
39 charter school must demonstrate to the department of education that it has
40 established a satisfactory compensatory instruction program. School
41 districts and charter schools that receive monies pursuant to this section
42 shall only spend these monies on compensatory instruction. A school district
43 or charter school shall not receive more than one hundred dollars per English
44 learner from monies distributed pursuant to this section.

1 C. The sum of \$5,500,000 is appropriated from the state general fund
2 in fiscal year 2003-2004 to the department of education for distribution to
3 school districts and charter schools for compensatory instruction for English
4 learners. Eligible school districts and charter schools shall receive an
5 amount for every English learner who is not making adequate academic progress
6 as prescribed by rules adopted by the state board of education. The per
7 pupil amount shall be determined by dividing the appropriation and any monies
8 unexpended in the previous year by the number of English learners in this
9 state who are not making adequate academic progress. In order to be eligible
10 for monies appropriated pursuant to this section, a school district or
11 charter school must demonstrate to the department of education that it has
12 established a satisfactory compensatory instruction program. School
13 districts and charter schools that receive monies pursuant to this section
14 shall only spend these monies on compensatory instruction. A school district
15 or charter school shall not receive more than one hundred dollars per English
16 learner from monies distributed pursuant to this section.

17 D. The sum of \$5,500,000 is appropriated from the state general fund
18 in fiscal year 2004-2005 to the department of education for distribution to
19 school districts and charter schools for compensatory instruction for English
20 learners. Eligible school districts and charter schools shall receive an
21 amount for every English learner who is not making adequate academic progress
22 as prescribed by rules adopted by the state board of education. The per
23 pupil amount shall be determined by dividing the appropriation and any monies
24 unexpended in the previous year by the number of English learners in this
25 state who are not making adequate academic progress. In order to be eligible
26 for monies appropriated pursuant to this section, a school district or
27 charter school must demonstrate to the department of education that it has
28 established a satisfactory compensatory instruction program. School
29 districts and charter schools that receive monies pursuant to this section
30 shall only spend these monies on compensatory instruction. A school district
31 or charter school shall not receive more than one hundred dollars per English
32 learner from monies distributed pursuant to this section.

33 E. If federal monies are received by the department of education for
34 the specific purposes for which monies are appropriated pursuant to this
35 section, the department of education shall revert the portion of the state
36 general fund appropriation received equal to the federal dollars received for
37 this purpose in the year that federal monies are received, if the reversion
38 is consistent with federal law.

39 F. The appropriations made in this section are exempt from the
40 provisions of section 35-190, Arizona Revised Statutes, relating to lapsing
41 of appropriations.

42 Sec. 13. Appropriations; purpose; exemption

43 A. The sum of \$1,500,000 is appropriated from the state general fund
44 in fiscal year 2002-2003 to the department of education for distribution to
45 school districts and charter schools to pay for instructional materials and

1 supplies for language acquisition programs. A school district or charter
2 school shall not receive more than ten dollars per English learner from
3 monies appropriated pursuant to this section.

4 B. The sum of \$1,500,000 is appropriated from the state general fund
5 in fiscal year 2003-2004 to the department of education for distribution to
6 school districts and charter schools to pay for instructional materials and
7 supplies for language acquisition programs. A school district or charter
8 school shall not receive more than ten dollars per English learner from
9 monies appropriated pursuant to this section.

10 C. The sum of \$1,500,000 is appropriated from the state general fund
11 in fiscal year 2004-2005 to the department of education for distribution to
12 school districts and charter schools to pay for instructional materials and
13 supplies for language acquisition programs. A school district or charter
14 school shall not receive more than ten dollars per English learner from
15 monies appropriated pursuant to this section.

16 D. If federal monies are received by the department of education for
17 the specific purposes for which monies are appropriated pursuant to this
18 section, the department of education shall revert the portion of the state
19 general fund appropriation received equal to the federal dollars received for
20 this purpose in the year that federal monies are received, if the reversion
21 is consistent with federal law.

22 E. The appropriations made in this section are exempt from the
23 provisions of section 35-190, Arizona Revised Statutes, relating to lapsing
24 of appropriations.

25 Sec. 14. Appropriations; purpose; exemption

26 A. The sum of \$158,050 is appropriated from the state general fund in
27 fiscal year 2001-2002 to the department of education to pay for 4.5 FTE
28 positions in order to monitor language acquisition programs as prescribed in
29 section 15-756, Arizona Revised Statutes, as added by this act, and as
30 prescribed in the consent order dated June 30, 2000 in the Flores v. Arizona
31 litigation.

32 B. The sum of \$316,095 is appropriated from the state general fund in
33 fiscal year 2002-2003 to the department of education to pay for 4.5 FTE
34 positions in order to monitor language acquisition programs as prescribed in
35 section 15-756, Arizona Revised Statutes, as added by this act, and as
36 prescribed in the consent order dated June 30, 2000 in the Flores v. Arizona
37 litigation.

38 C. The sum of \$316,095 is appropriated from the state general fund in
39 fiscal year 2003-2004 to the department of education to pay for 4.5 FTE
40 positions in order to monitor language acquisition programs as prescribed in
41 section 15-756, Arizona Revised Statutes, as added by this act, and as
42 prescribed in the consent order dated June 30, 2000 in the Flores v. Arizona
43 litigation.

44 D. The sum of \$316,095 is appropriated from the state general fund in
45 fiscal year 2004-2005 to the department of education to pay for 4.5 FTE

1 positions in order to monitor language acquisition programs as prescribed in
2 section 15-756, Arizona Revised Statutes, as added by this act, and as
3 prescribed in the consent order dated June 30, 2000 in the Flores v. Arizona
4 litigation.

5 E. If federal monies are received by the department of education for
6 the specific purposes for which monies are appropriated pursuant to this
7 section, the department of education shall revert the portion of the state
8 general fund appropriation received equal to the federal dollars received for
9 this purpose in the year that federal monies are received, if the reversion
10 is consistent with federal law.

11 F. The appropriations made in this section are exempt from the
12 provisions of section 35-190, Arizona Revised Statutes, relating to lapsing
13 of appropriations.

14 Sec. 15. Appropriations; purpose; exemption

15 A. The sum of \$3,060,000 is appropriated from the state general fund
16 in fiscal year 2002-2003 to the department of education for deposit in the
17 English learner classroom personnel bonus fund established by section
18 15-943.04, Arizona Revised Statutes, as added by this act.

19 B. The sum of \$3,060,000 is appropriated from the state general fund
20 in fiscal year 2003-2004 to the department of education for deposit in the
21 English learner classroom personnel bonus fund established by section
22 15-943.04, Arizona Revised Statutes, as added by this act.

23 C. The sum of \$3,060,000 is appropriated from the state general fund
24 in fiscal year 2004-2005 to the department of education for deposit in the
25 English learner classroom personnel bonus fund established by section
26 15-943.04, Arizona Revised Statutes, as added by this act.

27 D. If federal monies are received by the department of education for
28 the specific purposes for which monies are appropriated pursuant to this
29 section, the department of education shall revert the portion of the state
30 general fund appropriation received equal to the federal dollars received for
31 this purpose in the year that federal monies are received, if the reversion
32 is consistent with federal law.

33 E. The appropriations made in this section are exempt from the
34 provisions of section 35-190, Arizona Revised Statutes, relating to lapsing
35 of appropriations.

36 Sec. 16. Appropriations; purpose; exemption

37 A. The sum of \$750,000 is appropriated from the state general fund in
38 fiscal year 2002-2003 to the department of education to assist school
39 districts and charter schools in the implementation of a four year
40 comprehensive accountable literacy pilot program that guarantees all children
41 entering the system in kindergarten will be successful at reading, writing
42 and speaking English at grade level by the end of the third grade. The pilot
43 program shall include a reading certification for teachers, a comprehensive
44 in-school curriculum, an ongoing process for monitoring and supporting

1 teachers, an ongoing process for monitoring pupils, an extended day and an
2 extended year intervention component linked to the in-school curriculum.

3 B. The sum of \$750,000 is appropriated from the state general fund in
4 fiscal year 2003-2004 to the department of education to assist school
5 districts and charter schools in the implementation of a four year
6 comprehensive accountable literacy pilot program that guarantees all children
7 entering the system in kindergarten will be successful at reading, writing
8 and speaking English at grade level by the end of the third grade. The pilot
9 program shall include a reading certification for teachers, a comprehensive
10 in-school curriculum, an ongoing process for monitoring and supporting
11 teachers, an ongoing process for monitoring pupils, an extended day and an
12 extended year intervention component linked to the in-school curriculum.

13 C. The sum of \$750,000 is appropriated from the state general fund in
14 fiscal year 2004-2005 to the department of education to assist school
15 districts and charter schools in the implementation of a four year
16 comprehensive accountable literacy pilot program that guarantees all children
17 entering the system in kindergarten will be successful at reading, writing
18 and speaking English at grade level by the end of the third grade. The pilot
19 program shall include a reading certification for teachers, a comprehensive
20 in-school curriculum, an ongoing process for monitoring and supporting
21 teachers, an ongoing process for monitoring pupils, an extended day and an
22 extended year intervention component linked to the in-school curriculum.

23 D. If federal monies are received by the department of education for
24 the specific purposes for which monies are appropriated pursuant to this
25 section, the department of education shall revert the portion of the state
26 general fund appropriation received equal to the federal dollars received for
27 this purpose in the year that federal monies are received, if the reversion
28 is consistent with federal law.

29 E. The appropriations made in this section are exempt from the
30 provisions of section 35-190, Arizona Revised Statutes, relating to lapsing
31 of appropriations.

32 Sec. 17. Intent

33 A. It is the intent of the legislature to identify and fund the most
34 effective and cost efficient English language acquisition programs for our
35 public education institutions. The legislature has held extensive hearings
36 and taken hours of testimony on this issue. Those hearings show that there
37 is a significant array of teaching programs and instructional models
38 currently in place for teaching non-English speaking students. Additionally,
39 there is limited data and few reports of results to help identify a menu of
40 teaching programs that would allow those students to master the standard
41 academic curriculum. It is also apparent that one teaching model will not
42 effectively and efficiently satisfy the needs of all educational
43 institutions.

44 B. With the information currently available, the legislature finds the
45 level of funding in this legislation to be reasonable. The legislature

1 recognizes that further study and evaluation are necessary to determine
2 whether the funding for this program should be adjusted. Therefore, the
3 legislature is establishing a joint legislative committee and providing the
4 necessary funds to evaluate the various teaching programs in place or
5 available, recommend programs for successful English language acquisition
6 programs of non-English speaking students in Arizona schools and determine
7 whether the level of funding associated with such programs should be
8 adjusted. The legislature is requiring the study to be concluded within a
9 strict, yet realistic timeline of two years and the legislature expects
10 legislative review during the third year. During the study interim the
11 legislature has chosen the Nogales unified school district cost study
12 prepared by the Arizona department of education as the basis for the English
13 learner (ELL) group B weight selected. The legislature evaluated several
14 areas of the cost study that indicated the Nogales number might not be
15 representative of average costs across the state. In those areas the
16 legislature added supplemental funding in an effort to better balance the ELL
17 group B weight.

18 C. It remains the intent of the legislature to identify and fund
19 effective and cost efficient English language acquisition programs for
20 schools in Arizona. It is important to remember that parents of English
21 learners want their children to be proficient in English. The legislature
22 is trying to find the best way to honor that desire.

APPROVED BY THE GOVERNOR DECEMBER 27, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE DECEMBER 27, 2001.

ON RECONSIDERATION
HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House December 19, 20 01,

by the following vote: 31 Ayes,

16 Nays, 13 Not Voting


Speaker of the House


Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate December 19, 20 01,

by the following vote: 20 Ayes,

3 Nays, 7 Not Voting


President of the Senate

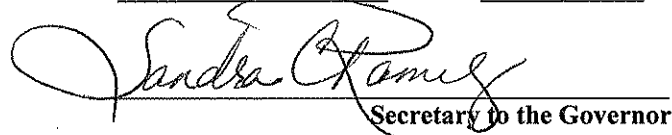

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 20 day of December, 2001,

at 9:02 o'clock A M.


Secretary to the Governor

Approved this 27 day of

December, 2001,

at 11:50 o'clock 4 M.

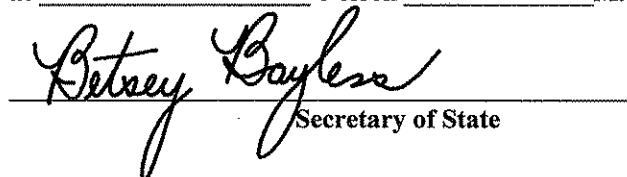

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 27 day of Dec., 2001,

at 3:36 o'clock P M.


Secretary of State

SECOND SPECIAL SESSION

H.B. 2010

HOUSE FINAL PASSAGE

as per Joint Conference

FAILED

Passed the House December 19, 20 01,

by the following vote: 27 Ayes,

22 Nays, 11 Not Voting

Speaker of the House

Norman L. Foye
Chief Clerk of the House

~~**SENATE FINAL PASSAGE**~~

~~as per Joint Conference~~

~~Passed the Senate _____, 20____,~~

~~by the following vote: _____ Ayes,~~

~~_____ Nays, _____ Not Voting~~

~~_____
President of the Senate~~

~~_____
Secretary of the Senate~~

~~**EXECUTIVE DEPARTMENT OF ARIZONA**~~

~~**OFFICE OF GOVERNOR**~~

~~This Bill was received by the Governor~~

~~this _____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

~~Approved this _____ day of~~

~~_____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

~~**EXECUTIVE DEPARTMENT OF ARIZONA**~~

~~**OFFICE OF SECRETARY OF STATE**~~

~~This Bill was received by the Secretary of State~~

~~this _____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary of State~~

SECOND SPECIAL SESSION

H.B. 2010

Passed the House December 4, 2001,

by the following vote: 46 Ayes,

10 Nays, 4 Not Voting

with emergency
[Signature]
Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate December 18, 2001,

by the following vote: 24 Ayes,

6 Nays, 0 Not Voting

[Signature]
President of the Senate

Charmine Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

SECOND SPECIAL SESSION
H.B. 2010